



**SPECIAL MEETING OF THE COMMON COUNCIL
MIDDLETOWN CONNECTICUT
JULY 6, 2015**

The Special meeting Questions to Directors of the Common Council of the City of Middletown was held in the Council Chamber of the Municipal Building on Monday, July 6, 2015 at 6 p.m.

Present:

Deputy Mayor Robert P. Santangelo, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilwoman Hope P. Kasper, Councilman Carl R. Chisem, Councilman Gerald E. Daley, Councilman Sebastian N. Giuliano, Councilwoman Sandra Russo Driska, Councilwoman Deborah A. Kleckowski, Councilman David Bauer.

Absent:

Mayor Daniel T. Drew, Corporation Counsel Daniel B. Ryan, and Councilman James B. Streeto

Also Present:

Public Works Director William Russo, Finance Director Carl Erlacher, Acting Director of IT Eldon Bailey, Water and Sewer Director Guy Russo, Parking Director Geen Thazhampallath, City Attorney Brig Smith, Chief of Police William McKenna, Acting Parks and Recreation Acting Director Deb Stanley, Tax Assessor Damon Braasch, Fire Chief Robert Kronenberger, Director of Communications Wayne Bartolotta, Planning, Conservation and Development Director Michiel Wackers, Director of Human Relations Faith Jackson Arts Coordinator Stephan Allison, City and Town Clerk Linda Bettencourt, Emergency Management Director George Dunn, Russell Library Director Arthur Meyers, Youth Services Coordinator Justin Carbonella, Joseph Samolis Administrative Aide to the Mayor and five members of the public.

1. Mayor calls meeting to order.

The acting chair leads the public in the Pledge of Allegiance.

The Call of the meeting is read and the acting chair declares the call a legal call and the meeting a legal meeting.

2. Questions to Directors Opens

The acting chair opens the questions to directors workshop at 6:05 p.m. Councilwoman Kasper requests to direct questions to Chief Kronenberger. She has a question on first responder and what are the requirements. Chief Kronenberger states they have to provide service

Noted for the Record

Councilman Daley takes his seat in the chamber at 6:05 pm

The Chief sent the question to the hospital around the plan to hire without the EMT Certification. He reads the reply. Middlesex Hospital is their sponsor hospital and the Dr. doesn't see a problem with that if there are two certified individuals are there.

Noted for the Record

Councilman Serra takes his seat in the chamber at 6:07 p.m.

Councilwoman Kasper asks if there is a time frame; is it a year. Chief Kronenberger states under our hiring contract, it was one year from the time of graduation from the Fire Academy. They are not available during the first six months. Councilwoman Kasper states in 2011 they required a specific test. Are we still doing that? Chief Kronenberger responds it replaced physical agility plan and they have to do it.

Councilwoman Bartolotta asks the Chief prior to 2012 how the EMT certification was worked. Chief Kronenberger responds before that it was the ability to obtain. The two specific recruitments, we looked for certified fire fighters to save money. Unfortunately it is a limited recruitment because there are not a lot that go to school and do it without a job. Councilwoman Bartolotta asks is there a time period if you do not have EMT; in 1989 through 2000 not everyone was EMT certified. Chief Kronenberger replies at one time it was grandfathered in and anyone hired after had to become EMT and maintain it. He believes it was the 2002 contract that it was

the entire force. Councilwoman Bartolotta states it was the 2005 contract that gave them 3 tries to become certified. Chief Kronenberger responds they buried the stipend in the salary grade during contract negotiations. Councilwoman Bartolotta states the stipend was rolled in even though a firefighter didn't have the certification. Chief Kronenberger, yes. Councilman Chisem asks what is the advantage of doing this; Chief Kronenberger believes it will be a broader recruitment. Will this open the flood gates, he doesn't know. He believes it will help. Councilman Chisem asks about concerns for safety. Chief Kronenberger replies safety is paramount; I don't believe hiring people without EMT will cause a liability the way we are staffed. It will be a minimum of two certifieds on each apparatus. We are looking to recruit without EMT, but we could still hire someone with EMT certification.

Councilwoman Russo Driska asks about the appropriation that the amounts are going into. Chief Kronenberger states the line items that the money will be placed in. Councilwoman Driska asks with the expected retirements, do you anticipate a cost with that. Chief Kronenberger states because we will be short staffed a few months and hopes that is an offset. He hasn't seen the pension numbers yet. Councilwoman Driska regarding the EMT change; if you have a circumstance with multiple causalities, what happens. Chief Kronenberger states if it is a big scene, he will draw in more engines. Councilwoman Driska asks if everyone is an EMT. Chief Kronenberger responds yes. Councilwoman Kleckowski asks for Attorney Smith; she yields to Councilman Giuliano who has questions to the Fire Chief. He asks about the job description changes and it was the City's practice until 2012 and we are going back to it. Prior to the change do you know of any incidents where the city was exposed to liability? Chief Kronenberger replies no. Councilwoman Kasper asks for an opinion from CIRMA on this. Attorney Smith states we should get input from the hospital and the feedback the Chief alluded to it is okay. Councilwoman Kasper would appreciate the finalized opinion. She states there were some uncertified firefighters at the time and if there were someone who couldn't recertify what would happen. Attorney Smith states if they were not able to do that job function, it would mean separation from service.

Councilwoman Russo Driska asks Attorney Smith to address the appropriation of the \$26,000 and the opinion that was requested. Attorney Smith states there is an item for \$26,000 for outside council costs for the Pension board. It was for disability and relates to that. The Chair of Finance and Government offered the opinion that the city should pay the bill and not the board. He reads from the ordinances regarding the pension board. The Chairman's read is it is the City bill and the next sentence is the Board has full control and management of the fund and to tie back to the contract interpretation, you read the thing as a whole. They have been looking for the legislative history and not for the lack of looking and I don't want to give an opinion until I see that because I can see it can go either way. I don't have the opinion. What is before the Council would get outside counsel paid and then decide where it goes. Councilwoman Driska states if the Pension Board should pay it, then it can be repaid. Attorney Smith responds yes. Councilwoman Driska asks why. The Pension Board thought there was a conflict of interest and it would be better to have outside council advice on these matters.

Councilman Daley asks about the firefighter and job description and union contract. Would it make a difference in addition of the comments you made the fact that the people newly hired haven't completed the academy and finished EMT certification and secondly Section 6 of that article and he reads the article. It speaks to conditions of employment and to take effect when they move from probationary to permanent. What is the meaning of line personnel. Chief Kronenberger states line personnel are the ones on the shift. Attorney Smith responds probationary period is helpful but not definitive. His conclusion is based on the last sentence. The telling piece is it would make no sense to pay for certification if they are already certified.

Councilwoman Bartolotta asks Attorney Smith to speak to H; she asks about the updating. Attorney Smith responds every time we try to enforce our code, people have a right to appeal and he spends time in Hartford on appeals. This was prior to his getting here, it went south and we couldn't see coverage for any tall grass which really meant rodents and the State said sorry and the appeals lost and we are trying to avoid that going forward. Attorney Smedick looked at what other towns do and looked at the blight definition. It is our attempt to build a better mouse trap. Councilwoman Bartolotta states this updates the ordinance; Attorney Smith replies yes. It parrots the blight statute almost word for word.

Councilman Serra asks for the Public Works director and wants to make a parallel. He states if you have a CDL job available, do they need it already. Mr. Russo states to apply for the job, they need a CDL; Councilman Serra asks if someone wants to become a truck driver what happens. Mr. Russo states you have to have the CDL first to apply. Councilman Serra asks if someone within wants to become a truck driver, do you pay. Mr. Russo states yes. Councilman Serra wanted to hear that CDL is necessary. He states that every single shall we have we have to change it to be mandatory. He states you are saying shall. Attorney Smith replies it is the way CT interprets it. Councilman Serra states we need to change the language. Any time we go with something else it isn't mandatory. Attorney Smith agrees there are instances that it is not mandatory. It is based on what follows it. Truly coming from the Midwest, this was a learning moment for him as well. He states he would need to look at the CBA regarding CDL.

Councilman Serra states if you have a contract if in fact you want to change something, doesn't the Union normally do something. Attorney Smith states Impact Bargaining. Councilman Serra states why isn't there a vote by the body. Attorney Smith states they have strong communication from the Union that they agree with their interpretation. Councilman Serra states that is one person; if that person shows the body is fine with it, there would be no problem. How does this work with management rights. Attorney Smith states it would not be from me or the union and it would be the State Labor Board and they would evaluate the arguments and we would cross examine the union leadership. Councilman Serra states officially it is here say. Can't there be an official agreement. Attorney Smith states it is not one person, but the head of the Union. Councilman Serra thinks the head of the union would take it to the body. Attorney Smith states we leave the union to manage itself and if they tell us no problem and it would come out with a grievance and the union would not have a leg to stand on. Councilman Serra asks the Fire Chief the attraction of Middletown residents and he has advocated residents for 40 years; this will attract everyone. Chief Kronenberger believes one benefit is the additional city points for the residents and hopes that it would open it up. Councilman Serra states he knew that would be the answer, but you would also have tons of others applying. Chief Kronenberger is keeping fingers crossed to get more residents.

Councilman Bauer asks for the City Attorney; he states he listened to this and appreciates being educated, what I feel might be missing, in your review of the contracts and ordinances have you ever encountered them to just be poorly written. Attorney Smith replies yes. Councilman Bauer what we are mired in today, is it possible that someone took a short cut in describing this. The last 466 contract that some of the Council people would be glad to rely on it. I think we have experience with that. Is that not in fact we have a resolution for Historic preservation do you see with the ordinance and the current statute for the Board. Attorney Smith states you are implying that you can have unintended consequences in the context of a CBA, I can give you an opinion, but what matters is what the union will opine and if we disagree, we have a grievance and off to the State Labor Board. He doesn't see a conflict. There is a need and he wants to deal with the other statutes.

Councilman Daley asks Attorney Smith about the firefighter. The question whether it is an MOU or signal from the union there is no objection, what is the relevance to Article II, Section 1B and he reads the article. Section 1I. That would argue against the MOU. Attorney Smith states it is a fair question and fair point.

Councilwoman Bartolotta states I asked the question before and you were present and he asked why it should not be a MOU. It was because it was not our practice. Attorney Smith states it is true and if you have a management right, you wouldn't negotiate for it with an MOU. Councilwoman Bartolotta asks if there was an MOU in 2012. Attorney Smith responds not to my knowledge. Councilman Kasper asks which one would prevail, the contract or the job description. Attorney Smith replies if there were a conflict, the CBA would have to control. Everyone says there is no conflict. Councilwoman Kasper that is why she is at a loss that there is no MOU. Attorney Smith states back to Councilman Daley's question. If you had said there was someone who is not happy and they can file a grievance and it would be at the labor board but if they did a vote, wouldn't it save money. Attorney Smith states there would not be a grievance. Councilman Chisem states who do you negotiate with. Attorney Smith replies the president and staff reps and their team.

Councilman Giuliano asks about grievances, they take one of two forms. The bargaining unit can claim harm or it can claim harm to a specific member. This change, could you conceive a claim from the union removing the EMT cert instead of able to obtain would it be harmful. Attorney Smith responds yes. Councilman Giuliano it would not be harm for the bargaining unit. Attorney Smith responds it would not harm the bargaining unit. Councilman Giuliano states a firefighter holding EMT certification could claim harm if they are getting the same pay. Wouldn't the city say up until 2012 it was a past practice of the city. Attorney Smith states yes; he discusses how it could work under labor law. Councilman Giuliano states he took the Union's word that this is not a problem.

The Acting Chair states it is 6:54, if we are not done we will recess the meeting and start the next.

Councilwoman Bartolotta states it is a past practice and the City rolled over the \$300 stipend for EMT into salary. She asks for another director, Faith Jackson. Councilwoman Bartolotta asks about your belief in the job description change. Ms Jackson states as recipients of state and federal dollars and contract compliance, it is what we call the City's good faith to go back to the original job description because it allowed for an increase of diversity in the applicant pool. The city has agreed to continue to work on diversifying the work force. There are very few applicants who apply having EMT certification and it is not diverse. The good faith effort to diversify is to go back to past practice. We are not asking to get rid of EMT; we understand that you need to be recertified every three years. Councilwoman Bartolotta asks about lowering our standards. Faith responds it is not lowering the standards; right now the EMT has been identified as a barrier for recruitment initiatives for firefighter positions. It is in our interest to continue to try to provide equal opportunity as an employer and remove barriers that hinder us to acquire a diverse work force.

Meeting Recesses

The Acting Chair states he would like a motion to recess this meeting to begin the 7 p.m. meeting Councilman Serra so moves and is seconded by Councilwoman Kasper. The vote is called and it is unanimous. The meeting is recessed at 7:03 p.m.

Meeting Reconvenes

The Chair reconvenes the meeting at 7:35 p.m.

Councilwoman Kasper asks Ms Jackson about the EMT certification and if we offered a program in advance of the application, would that help. Ms Jackson states you could establish an apprenticeship program. Councilwoman Kasper states other towns do that. Ms Jackson responds if you hire based on the past practice of the previous job description, that is what you are doing. If you initiate an apprenticeship program, they would have to work side by side with a firefighter. We have the stipulation that they have to acquire the EMT certification in 12 months. Councilwoman Kasper states she is not sure of the actual requirement and they need to have that. If there was a program. . .

The Chair asks if there is a question. Councilwoman Kasper asks do you know the requirements of the position.

The Chair states Councilwoman Bartolotta had the floor when the previous meeting ended and recognizes her.

Councilwoman Bartolotta asks if she finished her thought. Ms Jackson responds you are responsible for diversifying the work force and when we bring in a barrier to diversifying the work force, you need to work on that. It is enhancing the work force and you have to show a good faith effort. To save money, it is not creating a diverse work pool and can we go back to do what we were doing from 1987 to 2012. We have to remedy the problem. What are we going to do? We need to think about whether you are committed to providing a diverse work force. This creates that opportunity. It doesn't mean more from Middletown, but opening the door to diversify the work force.

Councilman Serra is recognized and states he has questions for this director. He states in terms of the training of these individuals, who will do that in the official capacity. Chief Kronenberger states we can send them to the Class we have EMT instructors and it is possible to run a class inside, but most efficient way is to send them to class. Councilman Serra asks if it is outside the work time. Chief Kronenberger replies yes; we compensate with comp time. Councilman Serra we pay for it and then comp time. He asks what the cost factor is. Chief Kronenberger states he doesn't have that with him. Councilman Serra asks if it is more efficient to train in house. Chief Kronenberger states they could. Councilman Serra asks how it was done before. Chief Kronenberger responds they didn't have trainers before. Councilman Serra asks is it overtime? Chief Kronenberger responds no overtime, comp time. Councilman Serra asks about the other districts. Chief Kronenberger replies he is not sure how it is done. Councilwoman Driska states it is required for South Fire and there is a waiting list for firefighters.

Councilwoman Driska asks for Faith Jackson and Kathy Morey. She asks do you have a sense for how many minority applicants would qualify if they change this. Ms Jackson responds she has not inquired; they do look at the labor pool and availability of the labor market and that is how we came up with the need to fill a firefighter position. Ms Morey states since the proposed change in the job description was first on the Council agenda last month and in the press, it is generating interest and she can tell you there is an enormous increase in queries and walk-ins and recent high school graduates and they have been pulling out information for them if the change does occur. Councilwoman Driska asks if they saw this was an issue, why were we not doing more at job fairs and colleges to get the young people; why did we wait until now. There are plenty of communities to do it the way we are doing it. Ms Morey states it is a good point and the departments have been reaching out at job fairs and looking at our recruitment in the past and waiting for vacancies. We have recent retirements and promotions. Councilwoman Driska states if we knew that several were leaving, this should have started long ago and this doesn't make sense to me.

Councilman Bauer asks for the Finance Director. Mr. Erlacher comes forward. Councilman Bauer states the transfers were cut off the third week of June and it is a new fiscal year. The big transfers, he didn't see them, when will they show up and how much will be returned from last year's budget. How long to wrap this up. Mr. Erlacher states it closed on the 30th and they were up and running on the first. They run them to midmonth and you will have it at the next meeting. As far as money returned, only one department was over their budget and that was the Fire Department. All others were within their budgets and what is going to be returned is in process. Councilman Bauer asks how long to wrap it up. Mr. Erlacher replies we closed the year and we have to allocate a couple of days of payroll and after that I can give you an exact idea where we are. Councilman Bauer asks the Chair to have everyone use their microphones tonight.

Councilman Giuliano asks for the Parking Director. Geen Thazhampallath comes forward. Councilman Giuliano asks on item G; one of the things we are doing is making it \$1 per hour throughout the system. Mr. Thazhampallath responds yes. Councilman Giuliano states we enforce to 8 pm in the lots and Main Street it ends at 6 pm; couldn't we be consistent. Mr.

Thazhampallath states it is under the discretion of the parking director. We did the lots two hours earlier and two hours later and the revenue generated is \$40,000 - \$50,000. He states you should keep courthouse hours early in the morning and if you want to add economic enhancements you could do the lots until 6 pm. Councilman Giuliano states why not do Main Street until 8 p.m. Mr. Thazhampallath responds it is something we can do over night and not do it in the context of these changes. From every indication from the business community, there is no acceptance of going from 6 to 8 pm on Main Street. Councilman Giuliano states we are paying personnel to enforce until 8, they can enforce on Main Street. Mr. Thazhampallath states it is only one factor to take into account; I can tell you the business community was consulted and they are ready for the change. We have flipped from cash/coin to 70% credit and debit card. Our credit card fees are rising and to meet that, that is why we are raising the rates. One of the major feedbacks is being responsive to the public who felt cheated when they didn't get change from the machine.

Councilman Serra asks if this was endorsed by the Advisory committee. Mr. Thazhampallath responds yes, it was not unanimous; Jennifer Alexander thought we shouldn't raise them, but lower them. Councilman Serra states are we still the lowest around. Mr. Thazhampallath replies we are on the bottom of the list and it is a bargain. Councilman Serra suggests Councilman Giuliano's suggestion should be discussed

4. Meeting adjourned.

On a motion made by Councilman Serra and seconded by Councilwoman Kasper and with a unanimous vote, the Chair adjourned the meeting at 7:57 p.m.

ATTEST:

MARIE O. NORWOOD
COMMON COUNCIL CLERK